



On February 15, 2008, this Court entered Judgment in favor of Plaintiffs. (R. 227, J. ¶¶ 1–6.)

On March 20, 2008, the clerk taxed costs in favor of Plaintiffs. (R. 235, Taxed Bill Cost 1.)

On June 20, 2008, this Court entered an opinion and order awarding Plaintiffs attorney fees and costs. (R. 242, Op. & Order 10.)

On July 27, 2009, the United States Court of Appeals for the Sixth Circuit issued its Opinion, affirming in part and reversing in part this Court's Judgment, vacating the attorney fee award, and remanding the case for further proceedings consistent with the Sixth Circuit's Opinion. *Reese v. CNH Am. LLC*, 574 F.3d 315, 324–25, 327 (6th Cir. 2009).

On October 6, 2009, the Sixth Circuit issued its Mandate. (R. 249, 6th Cir. Mandate 1.)

On March 3, 2011, this Court granted Plaintiffs' motions for summary judgment (R. 273, 290), denied CNH America LLC's motion for approval of benefits changes (R. 271), and denied Defendants' motions for summary judgment (R. 280, 293). (R. 304, Op. & Order 24–25.)

In accordance with the stipulated order of November 16, 2007, the plaintiff class in this case is defined to be:

All former bargaining unit employees who retired under the Case Corporation Pension Plan for Hourly Paid Employees after July 1, 1994, and who retired on or before April 1, 2005 (other than former employees eligible for or receiving retirement benefits under the deferred vested provisions of the Pension Plan and former employees hired after May 18, 1998), and all surviving spouses of those former bargaining unit employees.

(R. 223, Stip. Order ¶ 5.) (Judith Myers, the spouse of a member of the class in the companion case of *Yolton v. El Paso Tennessee Pipeline Co.*, Case 2:02-cv-75164-PJD-DAS (E.D. Mich. filed Dec. 23, 2002), did not elect to be included in the relief provided to persons retiring between December 1, 2004, and April 1, 2005, and thus is entitled to no relief in this case.)

**IT IS ORDERED, ADJUDGED, AND DECREED, that:**

1. This Court has subject matter jurisdiction and venue over this action and personal jurisdiction over the parties as set forth in the Court's opinions and orders dated February 14 (R. 53) and November 15, 2005 (R. 83).

2. For the reasons set forth in an Opinion and Order issued on March 3, 2011 (R. 304), this Court declares, adjudges, and decrees that the plaintiff class is hereby entitled to vested lifetime retiree health care benefits from CNH America LLC as provided for in the labor agreements in effect at the time of their or their deceased spouses' retirement.

3. For the reasons set forth in an Opinion and Order issued on March 3, 2011 (R. 304), this Court reinstates the attorney fee award it entered on June 20, 2008.

4. The Taxed Bill of Cost entered on March 20, 2008, is effective without further action by Plaintiffs.

5. In accordance with the stipulated order entered on January, 14, 2008 (R. 226), which the parties agree will apply to this judgment, CNH Global N.V. is hereby ordered to guarantee CNH America LLC's performance of the obligations to the plaintiff class described herein.

6. For the reasons set forth in an opinion and order issued on August 29, 2007 (R. 212), Plaintiff Ronald Hitt's claims against CNH America LLC and CNH Global N.V. are hereby dismissed without prejudice, so that they can be resolved in *Yolton* in which Mr. Hitt is already a class member.

7. Based on the stipulation of the parties, Plaintiffs' requests for a permanent injunction and for mental distress damages are withdrawn without prejudice.

This is a final judgment of this action. It is further ordered that the Clerk of the Court shall terminate this action from the dockets of this Court.

SO ORDERED.

s/Patrick J. Duggan  
Patrick J. Duggan  
United States District Judge

Dated: May 10, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on Tuesday, May 10, 2011, by electronic and or ordinary mail.

s/Marilyn Orem  
Case Manager

Approved as to Form:

/s with consent Roger J. McClow      Dated: April 19, 2011  
Roger J. McClow  
Attorney for Plaintiffs

s/ Norman C. Ankers      Dated: April 19, 2011  
Norman C. Ankers  
Attorney for Defendants

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